

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 149

Introduced by Assembly Member Jeffries

January 22, 2009

*An act to add Section 720 to the Public Resources Code, relating to
An act to repeal and add Section 731 of the Public Resources Code,
relating to state government.*

LEGISLATIVE COUNSEL'S DIGEST

AB 149, as amended, Jeffries. State government: board of forestry and fire protection: ~~abolishment~~: *membership*.

Existing law requires the State Board of Forestry and Fire Protection to represent the state's interest in the acquisition and management of state forests as provided by law and in federal land matters pertaining to forestry, and the protection of the state's interests in forest resources on private lands. The board is required to determine, establish, and maintain an adequate forest policy. General policies for guidance of the Department of Forestry and Fire Protection are determined by the board.

~~This bill would abolish the State Board of Forestry and Fire Protection and transfer its duties, responsibilities, powers, jurisdiction, liabilities, and functions to the Director of Forestry and Fire Protection.~~

This bill would add 2 new members to the board. One member would be a currently serving county supervisor from a rural county that has entered into a cooperative agreement with the department to provide fire prevention and suppression services on lands within that county. In considering the appointment, the Governor would be required to give reasonable consideration to nominations by the Regional Council

of Rural Counties. The other member would be a currently serving county supervisor from any county that has entered into a cooperative agreement with the department to provide fire prevention and suppression services on lands within that county. In considering the appointment, the Governor would be required to give reasonable consideration to nominations by the California State Association of Counties.

The bill would also make various technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 731 of the Public Resources Code is
2 repealed.

3 ~~731. All members of the board shall be appointed and shall be~~
4 ~~selected and approved for appointment on the basis of their~~
5 ~~educational and professional qualifications and their general~~
6 ~~knowledge of, interest in, and experience with, problems relating~~
7 ~~to watershed management (including hydrology and soil science);~~
8 ~~forest management practices, fish and wildlife, range management,~~
9 ~~forest economics, or land use planning. Five members shall be~~
10 ~~selected from the general public, three members shall be selected~~
11 ~~from the forest products industry, and one member shall be selected~~
12 ~~from the range livestock industry. At no time shall a majority of~~
13 ~~the members, nor any of the members selected from the general~~
14 ~~public, be persons with a direct personal financial interest, within~~
15 ~~the meaning of Section 1120 of the Government Code, in~~
16 ~~timberlands. All members of the board shall represent the general~~
17 ~~public interest.~~

18 SEC. 2. Section 731 is added to the Public Resources Code,
19 to read:

20 731. (a) (1) All of the following members of the board shall
21 be appointed and shall be selected and approved for appointment
22 on the basis of their educational and professional qualifications
23 and their general knowledge of, interest in, and experience with,
24 problems relating to watershed management, including hydrology
25 and soil science, forest management practices, fish and wildlife,
26 range management, forest economics, or land use planning:

27 (A) Five members shall be selected from the general public.

1 (B) Three members shall be selected from the forest products
2 industry.

3 (C) One member shall be selected from the range livestock
4 industry.

5 (2) One member shall be a county supervisor, currently serving
6 on the county board of supervisors, from a rural county that has
7 entered into a cooperative agreement with the department to
8 provide fire prevention and suppression services on lands within
9 that county pursuant to Section 4142. When considering the
10 appointment, the Governor shall give reasonable consideration
11 to nominations provided by the Regional Council of Rural
12 Counties.

13 (3) One member shall be a county supervisor, currently serving
14 on the county board of supervisors, from a county that has entered
15 into a cooperative agreement with the department to provide fire
16 prevention and suppression services on lands within that county
17 pursuant to Section 4142. When considering the appointment, the
18 Governor shall give reasonable consideration to nominations
19 provided by the California State Association of Counties.

20 (b) At no time shall a majority of the members, nor any of the
21 members selected from the general public, be persons with a direct
22 personal financial interest in timberlands.

23 (c) All members of the board shall represent the general public
24 interest.

25 ~~SECTION 1. Section 720 is added to the Public Resources~~
26 ~~Code, to read:~~

27 ~~720. (a) The director succeeds to and is vested with all duties,~~
28 ~~responsibilities, powers, jurisdiction, liabilities, and functions of~~
29 ~~the board, which is hereby abolished. Any reference in any law to~~
30 ~~the duties, responsibilities, powers, and functions of the board,~~
31 ~~shall be considered a reference to the director unless the context~~
32 ~~otherwise requires. The director shall have possession and control~~
33 ~~of all records, books, papers, and other property, real, personal~~
34 ~~and mixed, now or hereafter held for the benefit or use of the board.~~

35 ~~(b) All employees of the board who are serving in the state civil~~
36 ~~service, other than as temporary employees when this section~~
37 ~~becomes effective, shall continue to be employees of the~~
38 ~~department pursuant to Section 19050.9 of the Government Code.~~
39 ~~The status, position, and rights of any employee of the board shall~~
40 ~~not be affected by the transfer and shall be retained by the person~~

1 as an employee of the department, as the case may be, pursuant to
2 the State Civil Service Act (Part 2 (commencing with Section
3 18500) of Division 5 of Title 2 of the Government Code), except
4 as to a position that is exempt from civil service.

5 (e) All money available, including money that becomes available
6 after the effective date of this section, for expenditure by the board
7 to be used in the administration of any function, the exercise of
8 any right, or performance of any duty, which function, right, or
9 duty is transferred by this section, shall be transferred to the
10 director who is to administer the function, exercise the right, or
11 perform the duty.